

**CALIFORNIA HIGH SPEED RAIL AUTHORITY
RESOLUTION NO. 05-01**

CERTIFICATION OF FINAL PROGRAM ENVIRONMENT IMPACT REPORT AND APPROVAL OF HIGH SPEED TRAIN SYSTEM PROGRAM FOR CALIFORNIA

WHEREAS, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000, et seq., the California High-Speed Rail Authority (“Authority”) was created in 1996 to implement a high-speed train system connecting California’s major metropolitan areas;

WHEREAS, Section 185030 of the Public Utilities Code provides that the Authority shall direct the development and implementation of intercity high-speed rail service that is fully integrated with the state’s existing intercity rail and bus network, and further directs that such an intercity high-speed rail network in turn shall be fully coordinated and connected with commuter rail lines and urban rail transit lines developed by local agencies, as well as other transit services, through the use of common station facilities whenever possible;

WHEREAS, pursuant to a Memorandum of Understanding between the California High Speed Rail Authority and the Federal Railroad Administration (“FRA”), the Authority and the FRA have worked in partnership to prepare a combined Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for compliance with the requirements of both the California Environmental Quality Act (“CEQA,” Public Resources Code, section 21000, et seq.) and the National Environmental Policy Act;

WHEREAS, in compliance with applicable CEQA requirements a Draft Program EIR/EIS was prepared and circulated for public and agency comment in 2004, was posted on the Authority’s website and lodged in libraries across the state, and was the subject of seven public hearings by the Authority;

WHEREAS, a Final Program EIR/EIS, (“Final PEIR”) has been prepared by the Authority and the FRA in accordance with the requirements of CEQA and NEPA, and evaluates the potential environmental impacts of the implementation of the proposed High Speed Train System Program pursuant to CEQA;

WHEREAS, the Authority finds that all applicable requirements of CEQA and the State CEQA Guidelines are satisfied in the Final PEIR, which examines and evaluates all of the potential environmental effects of the proposed High Speed Train System Program at the program-level;

WHEREAS, the Authority finds that the Final PEIR was posted on the Authority’s website and made available to the public in early September 2005, and copies of the Final PEIR were also provided in September 2005, to public agencies that submitted comments on the Draft PEIR;

WHEREAS, prior to taking action, the Authority has heard, been presented with, reviewed and considered the information and data in the Final PEIR and related technical documents, the Staff Report, the Findings and the Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, and all oral and written evidence presented to it;

WHEREAS, the Final PEIR, and the Findings and the Statement of Overriding Considerations, reflect the independent judgment of the Authority and are deemed adequate for purposes of making decisions on the proposed High Speed Train System Program (HST System);

WHEREAS, the Authority has considered the environmental effects of the proposed HST System as presented in the Final PEIR and finds that with the inclusion of the described design practices and mitigation strategies, as discussed in the Final PEIR and the attached Findings, the potential adverse impacts of the HST System will be avoided, reduced and minimized; that the HST System includes feasible mitigation strategies identified at the program-level of analysis that will be applied and refined at the project level to further avoid and reduce impacts; and that additional mitigation strategies and strategies will be considered for specific sites as appropriate at the conclusion of project-level studies; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been fulfilled;

NOW, THEREFORE, BE IT RESOLVED by the California High-Speed Authority as follows:

Section 1. Certification. The Final PEIR has been prepared in compliance with CEQA and reflects the Authority's independent judgment and the Authority hereby certifies that the Final PEIR has been completed in compliance with CEQA, has been presented to and reviewed by the Authority, and reflects the Authority's independent judgment;

Section 2. Approval of Findings. As the decision-making body for the Proposed High Speed Train System Program, the Authority has reviewed and considered the information contained in the Final PEIR and in the Findings attached hereto as Exhibit "A" and supporting documentation. The Authority determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the HST System as analyzed in the Final PEIR, as well as a complete and accurate reporting of the unavoidable impacts and benefits of the HST System as detailed in the Statement of Overriding Considerations included with the Findings. The Authority further finds that the Findings have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the Findings attached hereto as Exhibit "A;"

Section 3. Approval of Statement of Overriding Considerations. The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or

other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings attached hereto as Exhibit "A" and sets forth the remaining significant effects on the environment that are found to be unavoidable but are acceptable due to the overriding concerns and significant benefits expected to result from the HST System identified as the Preferred Program Alternative. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings attached hereto as Exhibit "A;"

Section 4. Adoption of Mitigation Monitoring and Reporting Program. Pursuant to State CEQA Guidelines Section 15091, subdivision (d) and Public Resources Code section 21081.6, the Authority hereby approves and adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B;"

Section 5. Approval of the Proposed High Speed Train System Program. Based on and in consideration of all of the foregoing, the Authority hereby approves the HST System identified as the Preferred Program Alternative along with, and as conditioned by, the design practices and mitigation strategies, which are described in the Findings attached hereto as Exhibit A and reflected in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and which shall be incorporated into and be a part of the approved HST System;

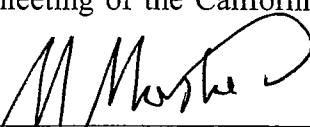
Section 6. Approval of Preferred Alignment and Station Locations for Further Study. Based on and in consideration of the information contained in the Final PEIR and the adopted Findings governing the HST System, the Authority hereby approves and adopts the Preferred Alignment and Station Locations identified in Chapter 6A of the Final PEIR as the alignment and stations locations to be pursued in further studies to implement the HST System; and

Section 7. Next Steps. Based on its consideration and approval of the HST System, and the Preferred Alignment and Station Locations it has identified for the HST System, the Authority hereby authorizes staff to proceed with the next steps in the environmental review process and the implementation planning for the HST System in California, including the preparation of a separate program level EIR to identify a preferred alignment within the broad corridor between and including the Altamont Pass and the Pacheco Pass for the HST System segment connecting the San Francisco Bay Area to the Central Valley and project level studies considering preferred alignment and station locations.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California High-Speed Rail Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California High-Speed Rail Authority held on November 2, 2005.

Dated: Nov. 2, 2005



Mehdi Morshed, Executive Director